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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,820	07/23/2001	Tsuneaki Kurumida	35.C15598	2208

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EXAMINER	
BACKER, FIRMIN	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/909,820	KURUMIDA, TSUNEAKI	
	Examiner	Art Unit	
	Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 February 2005* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

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Response to Amendment

1. This is in response to an amendment file on February 8th, 2005. In the amendment, claims 1-4 have been amended, claims 5-9 have been canceled, and no claim has been added. Claims 1-4 remain pending in the letter.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurevich et al (U.S. PG Pub 2002/0178370) in view of Moore (U.S. Patent No. 6,067,622)

5. As per claims 1, Gurevich et al teach a method for allowing user to install software on a computer, comprising a user notifying to a sales company of the user's ID information; communicating the notified ID information from the sales company to an authorizing agency to

request confirmation of legitimacy the user having notified the ID information; confirming the legitimacy of the user in the authorizing agency in accordance with the notified ID information to communicate the result of confirmation to the sales company; and producing in the sales company an installation key uniquely corresponding to the user on the basis of the ID information for issuing the installation key to the user if the user is confirmed to be the legitimate user (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059 0064 and 0095)*. Gurevich et al fail to teach an inventive allowing the user to input the first installation key and the ID information to an installer, producing, by the installer, a second installation key from the input id information to obtain a comparison result by comparing the input first installation key with the produced second installation key and installing the software by the installer if the first installation key corresponds to the second key in the comparison result. Moore teaches an inventive concept for allowing the user to input the first installation key and the ID information to an installer, producing, by the installer, a second installation key from the input id information to obtain a comparison result by comparing the input first installation key with the produced second installation key and installing the software by the installer if the first installation key corresponds to the second key in the comparison result (*see column 5 lines 25-42)*. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Gurevich et al to include Moore's inventive concept for allowing the user to input the first installation key and the ID information to an installer, producing, by the installer, a second installation key from the input id information to obtain a comparison result by comparing the input first installation key with the produced second installation key and installing the software by the installer if the first installation key

corresponds to the second key in the comparison result because this would provided a method and article of manufacture whereby software application programs stored on a original authorized disk, and those loaded from such disk onto a computer's hard-drive, are protected from illicit copying. Such system provides for controlled access to application programs based on the "licensee-status" of the person desiring to install and/or use the program and the identity of the data processing units upon which the application program is authorized to be stored.

6. As per claims 2, Gurevich et al teach a method wherein the authorizing agency is a credit company, and the ID information is the credit information of the user's own regarding the credit card issued by the credit company to the user, and the installation key is produced in the issuance step by operating a designated calculation in accordance with the credit information (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095)*.

7. As per claims 3, Gurevich et al teach a method wherein the credit information contains the card number, the card holder's name; and the validity of use, and the designated calculation is operated at least for one of the card number, card holder's name, and validity of use in order to produce the installation key (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095)*.

8. As per claims 4, Gurevich et al teach a method wherein the sales company further notifies the authorizing agency of the price of the software, and the authorizing agency confirms the

authorized use of the card in accordance with the notified price and the limit set for the amount of use, and informs the sales company of the result thereof, and the sales company executes the step of issuance if the user is confirmed to be the legitimate user and the use of card is notified to be approved (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095)*.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firmin Backer
Primary Examiner
Art Unit 3621

April 29, 2005